

\*\*Original filed 5/12/06\*\*

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD E.H. HOUSTON,

Petitioner,

vs.

BOARD OF PRISON TERMS, et al.,

Respondent.

C 06-2721 JF (PR)

ORDER OF TRANSFER


Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the August 2003 Board of Prison Terms' decision finding him unsuitable for parole. The parole hearing occurred at the California State Prison - Solano in Vacaville, California, where Petitioner is currently incarcerated. The prison is located within the venue of the Eastern District of California. Venue in a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

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1 Accordingly, this case is TRANSFERRED to the United States District Court for the  
2 Eastern District of California, the location of Petitioner's confinement. See 28 U.S.C.  
3 § 1404(a); Habeas L.R. 2254-3(b)(1). In view of the transfer, the Court will not rule  
4 upon Petitioner's motion to proceed in forma pauperis (docket no. 2). The Clerk shall  
5 terminate all pending motions and transfer the entire file to the Eastern District of  
6 California.

7 IT IS SO ORDERED.

8 DATED: 5/12/06

  
JEREMY FOGEL  
United States District Judge

1 This is to certify that a copy of this ruling was mailed to the following:

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3 Edward E.H. Houston  
4 C-68640  
5 CSP - Solano  
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